



BOARD OF COUNTY COMMISSIONERS FREDERICK COUNTY, MARYLAND

Winchester Hall • 12 East Church Street • Frederick, Maryland 21701
301-600-1100 • FAX 301-600-1849 • TTY Use Maryland Relay
www.co.frederick.md.us

December 13, 2006

COMMISSIONERS

David P. Gray
President

Charles A. Jenkins
Vice President

Jan H. Gardner

Kai J. Hagen

John L. Thompson, Jr.

COUNTY MANAGER

Douglas D. Browning

ADMINISTRATIVE OFFICER

Joyce M. Grossnickle

PUBLIC INFORMATION OFFICER

Robin K. Santangelo

CHARACTER COUNTS!



TRUSTWORTHINESS • RESPECT
RESPONSIBILITY • FAIRNESS
CARING • CITIZENSHIP

CHARACTER COUNTS! and the Six
Pillars of Character are service
marks of the CHARACTER
COUNTS! Coalition, a project of the
Josephson Institute of Ethics.

An Open Letter to the Residents of New Market

Subject: **New Market Annexations**

We are writing to provide information and some County perspective regarding the proposed annexations into the Town of New Market.

Some Town residents have been told that the annexations are needed to provide water to existing residents of New Market living along Main Street. The Town of New Market and Frederick County entered into a Water Service Area Agreement in April of 2003. This agreement provides adequate water to serve the existing residents of the Town. The County also agreed to provide a financial contribution to construct the water line through town. The construction of the water line on Main Street has been delayed while waiting for the State Streetscapes program to replace the road, sidewalks, and storm drains along Main Street. This decision avoids ripping up the road twice. This makes sense. It is our understanding that the Town has adequate money, in combination with the county contribution, to pay for the extension of the water line through Town. The annexation of additional property is not needed to provide water to existing residents.

Some proponents of the annexation have suggested that the proposed bypass through the Blentlinger property north of Town will reduce traffic on Main Street through town. In reality, traffic will increase significantly through Town due to the increased volume of traffic generated by proposed new growth. Traffic studies, including those completed by the developers, clearly demonstrate that traffic through the Town will increase even with the proposed bypass. No one should expect traffic through the Town to actually decrease. The Town and the County should consider the alternative of building the bypass without adding thousands of new homes and new traffic. Under this scenario, traffic through Town would truly be relieved. It has been suggested that the County does not build roads, but the County does build roads. An example is the four lane divided portion of New Design Road that was built by the County.

The Town of New Market, unlike the County, does not have an Adequate Public Facilities Ordinance or a Concurrency Ordinance and cannot ensure the adequacy or timing of schools and roads with the proposed new development, unless it is specifically written into the annexation agreement. To date, this is not specifically written into the annexation agreement. The Town simply cannot enforce laws, regulations, or requirements that do not exist.

Town leaders have suggested that they can use moratoria to control the timing of development. Moratoriums are a poor and extreme way to manage growth and often invite legal challenges.

The Board of Education (BOE) has taken a position of opposition to the annexations and has requested conditions requiring school adequacy and school sites to be negotiated by the BOE rather than the Town.

There has been little or no discussion of the impacts these developments will have on public safety, including both law enforcement and fire/emergency services. The County provides these services. A substantial increase in the fire tax on both the existing and new residents of New Market will likely be needed to pay to expand needed fire and emergency services to the new annexation properties. There has been little or no discussion regarding park needs or library needs. The community is already seriously deficient in parkland and there is no public library in the region.

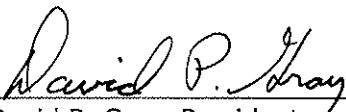
Town officials have not asked for a meeting with County officials to specifically discuss the implications of these annexations. The discussions should start with water. The Town currently cannot expand county water to these properties without an amendment to the Water Service Area Agreement with the County. The County is not likely to agree to provide water to support the development of any annexed properties. The County is concerned not only with water capacity, planning, and appropriation issues, but also overcrowded schools, congested roads, and inadequacies in parks, libraries, and public safety. The Town does not control water outside the areas currently outlined in the existing Water Service Area Agreement. The water issues should be addressed prior to any further consideration of the annexations. The annexation agreement currently requires the property owners to negotiate water directly with the County. This is in direct conflict with the existing agreement with the Town. The County must negotiate with the Town, not with the property owners. The developers cannot construct private water or sewer systems to serve these properties, as have been suggested by some, because it is against current regulations.

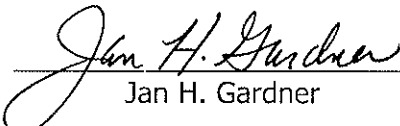
The County's region plan does not anticipate the development of these properties soon. Why should the Town accelerate the pace of growth in the region? When the Smith Cline properties came before the County requesting to be rezoned to Planned Unit Development in July/August of this year, the County Planning staff recommended denial and the County Planning Commission recommended denial. Both the planning staff and the planning commission believed the development of these properties at this time was premature and would overwhelm infrastructure and services. The applicants pulled the rezoning request before it was considered by the County Commissioners. Instead, they choose to avoid the County process and petition to annex into the Town of New Market. The Smith/Cline properties are not within the future municipal boundary in the most recent adopted Town master plan. Thus, the Town is contemplating annexing land not included in its own master plan. Why is the Town violating its own plan?

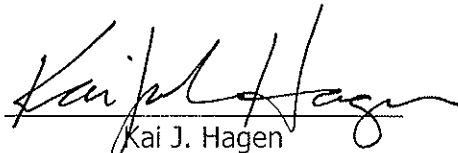
The Town is rushing the annexation proposals to a conclusion by the end of December to avoid new annexation law passed by the state legislature in 2006. This legislation requires a collaborative process between the Town and the County to address the provision of services and infrastructure. In other words, it requires a thoughtful planning process that ensures coordination of services and infrastructure with population growth. Such a collaborative process has merit and will help assure the development of these projects is done well. In our opinion, it is shortsighted and poor planning to avoid this collaborative process.

The County Commissioners are concerned about these proposed annexations because virtually all supporting services are provided by the County. County and Town officials in New Market need to work collaboratively to ensure the provision of services and infrastructure needed to support the proposed developments. We are concerned that the proposed annexations avoid the County Adequate Public Facilities Ordinance and other County regulations. We stand ready and willing to meet with town officials to plan appropriately for the future. We need time to accomplish good planning. Good planning cannot and should not be rushed or avoided.

Sincerely,


David P. Gray, President


Jan H. Gardner


Kai J. Hagen


John L. Thompson, Jr.